

ORDINANCE NO. 617 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
 ADDING CHAPTER 22.14, VESTING TENTATIVE MAP PROCEDURES
 TO TITLE 22, SUBDIVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AS FOLLOWS:

SECTION 1: That Chapter 22.14, Vesting Tentative Map Procedures, is hereby added to Title 22, Subdivisions, to read as follows:

CHAPTER 22.14

VESTING TENTATIVE MAP PROCEDURES

Section

22.14.010	Citation and Authority.
22.14.020	Purpose and Intent.
22.14.030	Consistency.
22.14.040	Definitions.
22.14.050	Application.
22.14.060	Filing and Processing.
22.14.070	Fees.
22.14.080	Expiration.
22.14.090	Vesting on Approval of Vesting Tentative Map.
22.14.100	Development Inconsistent With Zoning; Conditional Approval.
22.14.110	Applications Inconsistent With Current Policies.

SECTION 22.14.010 CITATION AND AUTHORITY.

These regulations are enacted under the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Regulations.

SECTION 22.14.020 PURPOSE AND INTENT.

It is the purpose of this Chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Subdivision regulations (Title 22 of the Paso Robles Municipal Code). Except as otherwise set forth in this Chapter, the provisions of the Subdivision Regulations shall apply to the Vesting Tentative Map Regulations.

To accomplish this purpose, the regulations outlined in this Chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development.

SECTION 22.14.030 CONSISTENCY.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and/or any applicable specific plan, or not permitted by the zoning regulations or other applicable provisions of the municipal code.

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SECTION 22.14.040 DEFINITIONS.

(a) "Vesting Tentative Map" means a "tentative map" for a subdivision, as defined in the Paso Robles Municipal Code, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 22.14.060, and thereafter processed in accordance with the provisions of this Chapter.

(b) All other definitions set forth in the Paso Robles Municipal Code, including but not necessarily limited to title 22, are applicable.

SECTION 22.14.050 APPLICATION.

(a) This Chapter shall apply to residential and non-residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Regulations, requires the filing of a tentative map or tentative parcel map for a development, a vesting tentative map may instead be filed, in accordance with the provisions of this Chapter.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

SECTION 22.14.060 FILING AND PROCESSING.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner, as set forth in the Subdivision Regulations for a tentative map except as hereinafter provided.

(a) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(b) At the time a vesting tentative map is filed a subdivider shall also supply the following information:

1. Proposed grading and drainage plan for the area covered by the tentative map with site cross sections and preliminary drainage calculations for pipe and basin sizing;
2. Geological studies as required by the City Engineer;
3. Off-site and on-site improvement plans; curb, gutter, sidewalks, and existing road details; plan and profile preliminary sewer and storm drain designs at 1" = 40' scale;
4. Existing locations of utility lines and poles and existing and proposed locations of street lights and utilities;
5. Existing and proposed fire hydrant locations;
6. Any and all other information as may be deemed necessary and desirable by the City Engineer in the exercise of his reasonable discretion including, but not limited to, additional plans, studies, reports and/or details. The City Engineer may develop and distribute policies and administrative guidelines designed to implement this subsection (b).

SECTION 22.14.070 FEES.

(a) Upon filing a vesting tentative map, the subdivider shall pay the fees required by resolution of the City Council for the filing and processing of a vesting tentative map.

SECTION 22.14.080 EXPIRATION.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same process for approval, conditional approval or denial of extensions, established by the Subdivision Regulations for the expiration of the approval or conditional approval of a tentative map.

SECTION 22.14.090 VESTING ON APPROVAL OF VESTING TENTATIVE MAP.

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed as is provided by Government Code Section 66498.1, et seq., as it now exists or as may hereafter be amended.

(b) Notwithstanding subdivision (a) of this section, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;
2. The condition or denial is required, in order to comply with state or federal law.

(c) The rights referred to in this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 22.14.080. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of one year.

Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

2. The initial time period set forth in (c) 1. shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days, from the date a complete application is filed.
3. A subdivider may apply to the City Council for a one-year extension at any time before the initial time period set forth in (c) 1. expires.
4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions 1. through 3., the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

**SECTION 22.14.100 DEVELOPMENT INCONSISTENT WITH ZONING;
CONDITIONAL APPROVAL.**

(a) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 22.14.090 (a), confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(b) The rights conferred by this section shall be for the time periods set forth in Section 22.14.90 (c).

**SECTION 22.14.110 APPLICATIONS INCONSISTENT WITH CURRENT
POLICIES.**

Notwithstanding any provision of this Chapter a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Sections 22.14.090 (a) and 22.14.100. Local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under the applicable law.

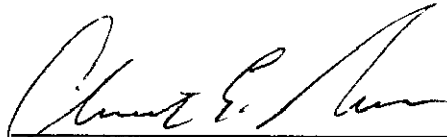
SECTION 2. This Ordinance shall become effective and be in full force and effect thirty (30) days after its passage, and within fifteen (15) days after its passage, it shall be published at least once in a newspaper of general circulation in the County of San Luis Obispo.

INTRODUCED at a regular meeting of the City Council held on July 2, 1991, and PASSED and ADOPTED by the City Council on August 6, 1991, on the following roll call vote, to wit:

AYES: Martin, Picanco, Reneau, Russell and Iversen

NOES: None

ABSENT: None



CHRISTIAN E. IVERSEN, MAYOR

ATTEST:



DEPUTY CITY CLERK